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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,934	12/31/2001	Flemming Klovborg	1149.4099X00	5896

20457 7590 06/27/2005

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EXAMINER

LE, NHAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/029,934	KLOVBORG, FLEMMING	
	Examiner	Art Unit	
	Nhan T Le	2685	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 22-48.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

As to claims 22, 33, 34, 38, Applicant argues that the combination of Phipps, Villa-Real and Okanobu does not teach the claim limitation. The examiner disagrees. Phipps teaches the apparatus includes the base unit (ie desktop stand, see fig. 3, number 300, col. 2, lines 41-55) which adapts to receive and communicate with the mobile phone (see fig. 3, number 390, col. 2, lines 41-55); wherein the desktop stand comprises a loudspeaker and connection connecting the loudspeaker to an audio signals from the mobile phone (see fig. 3, numbers 335, 311, col.3, lines 36-61) and wherein the mobile phone comprises the audio receiver (see fig. 3, number 394, col. 36, 61). Phipps fails to teach wherein the mobile phone comprises radio receiver, a timer (or clock) to activate the radio receiver. Villa Real teaches the mobile phone comprises radio receiver, a timer (or clock) to activate the radio receiver (see col. 9, lines 46-67, col. 10, lines 1-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Villa-Real into the system of Phipps in order to provide a portable cellular phone with multiple uses (as suggested by Villa-Real col. 1, lines 40-47). The combination of Phipps and Villa-Real fails to teach a control for temporarily interrupting audio signal from the loudspeaker. Okanobu teaches a button which activates interruption of the audio signal and/or a button for ending the audio signal (see col. 2, lines 19-68, col. 3, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Okanobu into the system of Phipps and Villa-Real in order to stop reproduction of sounds or alarms (as suggested by Okanobu, see col. 1, lines 24-43). In addition, Applicant argues that the snooze button of Okanobu would not be considered by the person of ordinary skill in the art to combine with Phipps and Villa-Real. The examiner disagrees. The snooze feature is wellknown and it is combinable with the other references (ie. Phipps and Villa-Real).

Nguyen T. Vo
6/21/2005

NGUYEN T. VO
PRIMARY EXAMINER